

IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: August 27-28, 2015

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Allison Schoenfelder, M.D., Vice Chairperson; Ronald Cheney, D.O., Secretary; Julie Carmody, M.D.; Diane Clark; Diane Cortese; Mary Jo Romanco; Kyle Ulveling, M.D.; Charles Wadle, D.O.

THURSDAY, AUGUST 27, 2015

7:30 a.m. **EXECUTIVE COMMITTEE** – Medical Conference Room B
Chair Tewfik, Cheney, Clark, Schoenfelder

8:00 a.m. **SCREENING COMMITTEE** – Board Room
Chair Carmody, Cortese, Romanco, Ulveling, Wadle

9:00 a.m. **MONITORING COMMITTEE** – Board Room
Chair Schoenfelder, Cheney, Ulveling, Wadle

9:00 a.m. **LICENSURE COMMITTEE** - Medical Conference Room B
Chair Clark, Carmody, Cortese, Romanco, Tewfik

OPEN SESSION - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

LUNCH BREAK

CLOSED SESSION¹ - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

FRIDAY, AUGUST 28, 2015

8:00 a.m. -

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ – Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Vote on Closed Session Cases

9:00 a.m. -

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Roll-call to establish quorum; acknowledge absent Board members

B. Opportunity for public comments⁵

C. Board Minutes for Consideration of Approval

1. July 9-10, 2015, meeting (Open & Closed sessions)

D. Chair's Report

1. The Board's meeting December 11-12, 2015, will be held at the Coralville Marriott Hotel & Conference Center.

E. Executive Director's Report

F. Administrative Rules

1. **Proposed Notice of Intended Action** - Amendment to 653 IAC Chapter 9, “Permanent Physician Licensure,” to implement SF276, which deems an inactive medical licensed relinquished if the licensee fails to apply for renewal or reinstatement of the license within five years after its expiration.
2. **Proposed Notice of Intended Action** - Amendment to 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics,” to implement SF462, which allows schools to stock an epinephrine auto-injector supply.
3. **For Information Only** - Staff is drafting proposed amendments to IAC 653 Chapter 17, “Licensure of Acupuncturists,” for discussion at the October 15-16 meeting.
4. **For Information Only** - Iowa Association of Oriental Medicine and Acupuncture has petitioned the Iowa Board of Physical Therapy and Occupational Therapy to issue a declaratory order defining dry needling/intramuscular manual therapy as a form of acupuncture and not within the legal scope of practice of physical therapy and occupational therapy.
5. **For Information Only** - Proponents of more detailed mammography reports to patients with dense breast tissue will present their proposals to the Board at the October 15-16 meeting.
6. **For Information Only** - Subcommittees of the Boards of Medicine and Physician Assistants will meet at 1 p.m. August 28 to begin work on joint rules to establish specific minimum standards or a definition of appropriate supervision of physician assistants, as required in Division XXXI of SF505.

G. Petition to promulgate, amend or repeal a rule, pursuant to Iowa Code 17A.7 and 653 IAC Chapter 1.7

1. Oral presentation by Jill Cirivello, Bettendorf, seeking to amend 653 IAC Chapter 23, “Grounds for Discipline,” concerning sexual misconduct allegations.

H. Interstate Medical Licensure Compact

1. Planning meeting September 1, 2015, in Chicago

I. Telemedicine for Medicare Act - SF 1778

1. Legislation co-sponsored by U.S. Senator Joni Ernst

J. Judicial Review/Legal Update

1. Planned Parenthood of the Heartland and Jill Meadows v. BOM – case has been remanded back to the district court now that appeal on constitutional issue has concluded. Remaining claims against the Board and individual members for violations of section 1983.
2. Smoker v. Board of Medicine, No. 14-1259. Appeals Court affirms Board’s motion to dismiss claims for drug-screening expenses. Smoker filed an application for further review with

the Supreme Court on 7/14. Filed a resistance on behalf of the Board on 7/24. Awaiting ruling.

3. Butt v. BOM , No. 15-1201 District Court upholds Board's decision to suspend physician's license. Appealed to Supreme Court. Briefing schedule has been issued. Butt's brief due 9/16 and Board's brief due 10/16.
4. Butt v. Board of Medicine No. 14-1764, fully briefed to Supreme Court. Awaiting either oral argument date or decision by the Court if it does not grant oral argument.
5. Rabi v. BOM (challenging contested case decision) – Briefing and oral argument held on motion to stay. Court denied Rabi's request for a stay. Awaiting briefing schedule.
6. Rabi v. BOM – (challenging decision not to redact witness names) Answer filed. Briefing schedule issued. Rabi's brief due 9/7; Board's brief due 9/21.
7. Risk v. BOM – (challenging Board's denial of his request for rehearing) Answer filed. Then awaiting briefing schedule.
8. Fleming v. Board of Medicine No. 14-0975 - awaiting Fleming to file an appropriate appendix.

K. TRAINING: What are waivers and how are they used in licensure and compliance processes?

L. Federation of State Medical Boards

1. DocInfo physician database
2. 2015 Annual Report: The Power of Partnership
3. Nominations for FSMB Board and Nominating Committee
4. Appointments to FSMB Committees

M. Iowa Physician Health Committee/Program

1. Program update

N. Reports & Articles

1. *2015 Annual Report*, Federation of State Medical Boards.
2. *Advancing Continuing Medical Education*, Graham T. McMahon, M.D., MMSc, Journal of the American Medical Association, July 20, 2015.
3. *Doctors' Virtual Consults with Patients to Double by 2020*, Bruce Japsen, Forbes.com, August 9, 2015.
4. *The Osteopathic Examiner*, National Board of Osteopathic Medical Examiners.

O. Licensure

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact Alicia.Hill@iowa.gov.

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

- **The next scheduled Board meeting is Thursday and Friday, October 15-16, 2015, at 400 SW Eighth Street, Suite C, Des Moines, Iowa 50309.**
- **The Board's meeting December 11-12, 2015, will be held at the Coralville Marriott Hotel & Conference Center.**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.